

AMENDED IN SENATE SEPTEMBER 8, 2003

AMENDED IN SENATE AUGUST 29, 2003

AMENDED IN SENATE JULY 1, 2003

AMENDED IN ASSEMBLY MAY 14, 2003

AMENDED IN ASSEMBLY APRIL 7, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1467

Introduced by Assembly Member Negrete McLeod
(Coauthor: Senator Cedillo)

February 21, 2003

An act to amend Sections 1628, 1636, and 1636.5 of the Business and Professions Code, relating to dentistry, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1467, as amended, Negrete McLeod. Dentists: licensure requirements.

Existing law provides for the licensing and regulation of dental professionals by the Dental Board of California, in the Department of Consumer Affairs. Under existing law, a person who has been issued a degree of doctor of dental medicine or doctor of dental surgery by a foreign dental school is eligible for the dental licensure examination if he or she has met specified requirements, including passing a progressive examination. Those requirements will be revised on January 1, 2004.

This bill would change the date for revision of the requirements for graduates of a foreign dental school to January 1, 2009, and would retain the current requirements for applicants with diplomas from certain foreign dental schools who pass specified examinations by December 31, 2003. The bill would require applications for the restorative techniques examination to be submitted by mail and to be postmarked no later than ~~December 31, 2003~~ January 2, 2004, except for certain applicants who would have until April 1, 2004.

Existing law also provides that, until January 1, 2004, an applicant who fails to pass the restorative techniques examination after 4 attempts is not eligible for further reexamination until he or she has successfully completed at least 2 academic years of education at an approved dental school.

This bill would extend this provision to January 1, 2009. The bill would require an applicant seeking to take the restorative techniques examination again to reapply within 45 days after his or her examination results are posted on the Internet. The bill would provide that failure to appear for the examination without good cause constitutes a failure to pass. The bill would enact other related provisions.

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: ~~2/3~~ majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1628 of the Business and Professions
- 2 Code, as amended by Section 7 of Chapter 532 of the Statutes of
- 3 2001, is amended to read:
- 4 1628. Any person over 18 years of age is eligible to take an
- 5 examination before the board upon making application therefor
- 6 and meeting all of the following requirements:
- 7 (a) Paying the fee for applicants for examination provided by
- 8 this chapter.
- 9 (b) Furnishing satisfactory evidence of having graduated from
- 10 a reputable dental college, which shall have been approved by the
- 11 board; provided, also, that applicants furnishing evidence of
- 12 having graduated after 1921 shall also present satisfactory
- 13 evidence of having completed at dental school or schools the full



1 number of academic years of undergraduate courses required for
2 graduation.

3 (c) Furnishing the satisfactory evidence of financial
4 responsibility or liability insurance for injuries sustained or
5 claimed to be sustained by a dental patient in the course of the
6 examination as a result of the applicant's actions.

7 (d) In the case of an applicant who has been issued a dental
8 diploma from a foreign dental school that had not been approved
9 by the board pursuant to Section 1636.4 at the time of the
10 applicant's graduation from the school, furnishing evidence of
11 having successfully passed Part I and Part II of the National Board
12 of Dental Examiners' examination where the examination date
13 was on or before December 31, 2003.

14 (e) This section shall remain in effect only until January 1,
15 2009, and as of that date is repealed, unless a later enacted statute,
16 that is enacted before January 1, 2009, deletes or extends that date.

17 SEC. 2. Section 1628 of the Business and Professions Code,
18 as amended by Section 8 of Chapter 532 of the Statutes of 2001,
19 is amended to read:

20 1628. Any person over 18 years of age is eligible to take an
21 examination before the board upon making application therefor
22 and meeting all of the following requirements:

23 (a) Paying the fee for applicants for examination provided by
24 this chapter.

25 (b) Furnishing satisfactory evidence of having graduated from
26 a reputable dental college, which shall have been approved by the
27 board; provided, also, that applicants furnishing evidence of
28 having graduated after 1921 shall also present satisfactory
29 evidence of having completed at dental school or schools the full
30 number of academic years of undergraduate courses required for
31 graduation.

32 (c) Furnishing the satisfactory evidence of financial
33 responsibility or liability insurance for injuries sustained or
34 claimed to be sustained by a dental patient in the course of the
35 examination as a result of the applicant's actions.

36 (d) If the applicant has been issued a degree of doctor of dental
37 medicine or doctor of dental surgery by a foreign dental school, he
38 or she shall furnish all of the following documentary evidence to
39 the board:

1 (1) That he or she has completed in a dental school or schools
2 approved by the board pursuant to Section 1636.4, a resident
3 course of professional instruction in dentistry for the full number
4 of academic years of undergraduate courses required for
5 graduation.

6 (2) Subsequent thereto, he or she has been issued by the
7 approved dental school, a dental diploma or a dental degree, as
8 evidence of the completion of the course of dental instruction
9 required for graduation.

10 (e) Any applicant, who has been issued a dental diploma from
11 a foreign dental school, which has not been approved by the board
12 pursuant to Section 1636.4 at the time of his or her graduation from
13 the school, shall not be eligible for examination until the applicant
14 has successfully completed a minimum of two academic years of
15 education at a dental college approved by the board pursuant to
16 Article 1 (commencing with Section 1024) of Chapter 2 of
17 Division 10 of Title 16 of the California Code of Regulations. This
18 subdivision shall not apply to applicants who have successfully
19 completed the requirements of Section 1636 on or before
20 December 31, 2008. *An applicant who has successfully completed*
21 *the requirements of Section 1636 on or before December 31, 2008,*
22 *shall be eligible to take the examination required by Section 1632,*
23 *subject to the limitations set forth in Section 1632.5.*

24 (f) This section shall become operative on January 1, 2009.

25 SEC. 3. Section 1636 of the Business and Professions Code
26 is amended to read:

27 1636. (a) Notwithstanding subdivision (b) of Section 1628,
28 a person who has been issued a degree of doctor of dental medicine
29 or doctor of dental surgery by a foreign dental school shall be
30 eligible for examination as provided in this section upon
31 complying with subdivisions (a), (c), and (d) of Section 1628 and
32 furnishing all of the following documentary evidence satisfactory
33 to the board, that:

34 (1) He or she has completed in a dental school or schools a
35 resident course of professional instruction in dentistry for the full
36 number of academic years of undergraduate courses required for
37 graduation.

38 (2) Subsequent thereto, he or she has been issued by the dental
39 school, a dental diploma or a dental degree, as evidence of the

1 completion of the course of dental instruction required for
2 graduation.

3 (b) An applicant who is a graduate of a foreign dental school
4 accredited by a body which has a reciprocal accreditation
5 agreement with any commission or accreditation agency whose
6 findings are accepted by the board shall be exempt from the
7 qualifying examination provided for in paragraph (2) of
8 subdivision (c).

9 (c) Examination by the board of a foreign-trained dental
10 applicant shall be a progressive examination given in the following
11 sequence:

12 (1) Examination in writing which shall be comprehensive and
13 sufficiently thorough to test the knowledge, skill, and competence
14 of the applicant to practice dentistry, and both questions and
15 answers shall be written in the English language.

16 The written examination may be the National Board of Dental
17 Examiners' examination or other examination, but in no event
18 shall the examination given to foreign-trained applicants be a
19 different examination than that given to applicants who have met
20 the requirements of subdivision (b) of Section 1628. A
21 foreign-trained applicant who passes the written examination shall
22 be permanently exempt from retaking the examination.

23 Those applicants who have passed the California written
24 examination are permanently exempt from retaking any written
25 examination, except any examination required for continuing
26 education purposes.

27 (2) Demonstration of the applicant's skill in restorative
28 technique. An applicant who obtains an overall average grade of
29 75 percent in the restorative technique examination and a grade of
30 75 percent or more in two of the three subsections shall be deemed
31 to have passed the examination. However, an applicant who
32 obtains a grade of 85 percent in any subsection of the examination
33 is exempt from retaking the subsection for two years following the
34 date of the examination in which a grade of 85 percent was
35 obtained. Every applicant who passes the entire restorative
36 technique examination is permanently exempt from retaking the
37 examination.

38 (d) Applications for the examination required by paragraph (2)
39 of subdivision (c) shall be submitted by mail only. All applications
40 for that examination shall be postmarked no later than ~~December~~

1 ~~31, 2003~~ January 2, 2004, except that applications from applicants
2 who took Part II of the National Board of Dental Examiners'
3 examination in December 2003 shall be considered timely if
4 postmarked no later than April 1, 2004. An applicant for the
5 examination required by paragraph (2) of subdivision (c) shall
6 submit to the board a mailing address for the applicant, which shall
7 be located within the United States. That mailing address shall be
8 the sole address ~~used by the board~~ *the board is required to use* to
9 communicate with the applicant.

10 (e) An applicant meeting the requirements of subdivisions (a),
11 (b), (c), and (d) shall be eligible to take the examination required
12 by Section 1632, subject to the limitations set forth in Section
13 1632.5.

14 (f) An applicant who has successfully completed the written
15 examination and the restorative technique examination shall be
16 eligible to take and shall pass the examinations in
17 diagnosis-treatment planning, prosthetic dentistry, diagnosis and
18 treatment of periodontics, and operative dentistry in the identical
19 manner in which the examinations are taken by and administered
20 to other dental applicants. Exemptions in the examinations shall be
21 applied to foreign-trained applicants in the same manner as they
22 are applied to other dental applicants.

23 (g) This section shall remain in effect only until January 1,
24 2009, and as of that date is repealed, unless a later enacted statute,
25 that is enacted before January 1, 2009, deletes or extends that date.

26 SEC. 4. Section 1636.5 of the Business and Professions Code
27 is amended to read:

28 1636.5. (a) Notwithstanding Section 135, an applicant who
29 fails to pass the examination required by paragraph (2) of
30 subdivision (c) of Section 1636 after four attempts shall not be
31 eligible for further reexamination until the applicant has
32 successfully completed a minimum of two academic years of
33 education at a dental school approved by either the Commission
34 on Dental Accreditation or a comparable organization approved
35 by the board. When the applicant applies for reexamination, he or
36 she shall furnish proof satisfactory to the board that he or she has
37 successfully completed the requirements of this subdivision.

38 (b) ~~Failure—~~ *Notwithstanding Section 135, failure* by an
39 applicant to appear for the examination required by paragraph (2)
40 of subdivision (c) of Section 1636 without good cause, as

1 determined by the board, constitutes a failure to pass the
2 examination for the purposes of subdivision (a).

3 (c) (1) An applicant who fails to pass the examination required
4 by paragraph (2) of subdivision (c) of Section 1636, who wishes
5 to take a future examination, and who has not used all four attempts
6 permitted by subdivision (a) shall reapply to take a future
7 examination in accordance with the procedures set forth in Section
8 1636 within 45 days after the date that the board posts the
9 examination results on the Internet for the examination that the
10 applicant failed to pass, or, in the case of a failure to appear
11 pursuant to subdivision (b), within 45 days of the examination date
12 for which the applicant was scheduled. An applicant who believes
13 he or she has good cause for failing to appear at a scheduled
14 examination shall state the grounds supporting the good cause in
15 his or her application to take a future examination, which
16 application shall be submitted within 45 days of the date of the
17 scheduled examination for which the applicant failed to appear. If
18 the board accepts those grounds as good cause, then the applicant
19 shall be ~~scheduled for the next available examination~~ *included in*
20 *the pool of actively qualified applicants and be scheduled for a*
21 *future examination in the usual manner used by the board for*
22 *scheduling applicants for an examination*, and the examination for
23 which the applicant failed to appear shall not count against the four
24 attempts permitted by subdivision (a). If the board does not accept
25 those grounds as good cause, then the applicant shall only be
26 ~~scheduled for the next available examination~~ *included in the pool*
27 *of actively qualified applicants and be scheduled for a future*
28 *examination in the usual manner used by the board for scheduling*
29 *applicants for an examination* if the applicant has not exhausted
30 the four attempts permitted by subdivision (a), with the
31 examination for which the applicant failed to appear to be counted
32 as one of those four attempts.

33 (2) If the applicant fails to reapply to take a future examination
34 required by paragraph (2) of subdivision (c) of Section 1636 in
35 accordance with paragraph (1), he or she shall no longer qualify
36 to take any future examination required by paragraph (2) of
37 subdivision (c) of Section 1636, and shall be required to meet all
38 of the requirements of Section 1628 in order to be eligible to take
39 the examination before the board for licensure as a dentist required

1 by Section 1632, subject to the limitations set forth in Section
2 1635.2.

3 (d) Once all qualified applicants have exhausted the four
4 examination attempts authorized by subdivision (a), subject to the
5 limitations set forth in subdivisions (b) and (c), the board may
6 cease to offer administration of that examination at any time
7 thereafter, ~~notwithstanding~~ *prior to* the January 1, 2009, repeal
8 date of Section 1636.

9 (e) This section shall remain in effect only until January 1,
10 2009, and as of that date is repealed, unless a later enacted statute,
11 which is enacted before January 1, 2009, deletes or extends that
12 date.

13 ~~SEC. 5. This act is an urgency statute necessary for the~~
14 ~~immediate preservation of the public peace, health, or safety~~
15 ~~within the meaning of Article IV of the Constitution and shall go~~
16 ~~into immediate effect. The facts constituting the necessity are:~~

17 ~~In order to enable the licensing of additional dentists to assist in~~
18 ~~serving underserved communities as quickly as possible, it is~~
19 ~~necessary that this act take effect immediately.~~

